

<div>1</div> <div>2</div> <div>3COUNTY OF MAUI, STATE OF HAWAII</div> <div>4</div> <div>5</div> <div>6</div> <div>7</div> <div>8BOARD OF ETHICS</div> <div>9REGULAR MEETING</div> <div>10</div> <div>11</div> <div>12</div> <div>13</div> <div>14</div> <div>15Held at the Planning Department Conference Room, 250</div> <div>16South High Street, Wailuku, Maui, Hawaii, commencing at</div> <div>1712:30 p.m., on Wednesday, October 12, 2016.</div> <div>18</div> <div>19</div> <div>20</div> <div>21Reported by: Tonya McDade, CSR, RPR, CRC CSR Maui Wells Street Professional Center 2145 Wells Street, Suite 302 Wailuku, Hawaii 96793 (808)244-3376 reporters@csrmaui.com</div> <div>25Page 1</div>	<div>1(Wednesday, October 12, 2016, 12:30 p.m.)</div> <div>2***</div> <div>3CHAIR LEACH: I would like to call the Maui County</div> <div>4Board of Ethics October 12th, 2016 meeting to order. We are</div> <div>5in Regular Session. We have a quorum.</div> <div>6The first order of business will be to review and</div> <div>7approve the September 14th, 2016 minutes. Is there a motion</div> <div>8to approve?</div> <div>9MEMBER KAHOOHANOHANO: So moved.</div> <div>10CHAIR LEACH: Is there a second?</div> <div>11MEMBER GADARIAN: Second.</div> <div>12CHAIR LEACH: Any discussion? All in favor, say</div> <div>13"aye."</div> <div>14(Response.)</div> <div>15CHAIR LEACH: Opposed?</div> <div>16(No response.)</div> <div>17CHAIR LEACH: Unanimous. Thank you.</div> <div>18Next agenda item is public testimony. Do we have</div> <div>19any public testimony? If you could state your name, and</div> <div>20there's three minutes allowed for public testimony.</div> <div>21MR. LESTER: Good morning, Mr. Chair and Members,</div> <div>22especially Ms. Gadarian, because I remember your husband</div> <div>23being here before and it's great to see you here. My name</div> <div>24is Sean Lester. And I am here with general testimony. I</div> <div>25just gave you a copy of my testimony.</div> <div>Page 3</div>
<div>1ATTENDANCE</div> <div>2BOARD MEMBERS PRESENT:</div> <div>3Randol Leach, Chair</div> <div>4Norman Franco, Vice-Chair</div> <div>5Sara Gadarian, Secretary</div> <div>6David Courson, Member</div> <div>7Abel Kahooohanohano, Jr., Member</div> <div>8Matthew Macario, Member</div> <div>9Herman Nascimento, Member</div> <div>10Rachel Phillips, Member</div> <div>11Noreen "Dee Dee" Yabuta</div> <div>12STAFF PRESENT:</div> <div>13Gary Y. Murai, Deputy Corporation Counsel</div> <div>14Angela Andrade, Executive Secretary</div> <div>15</div> <div>16</div> <div>17</div> <div>18</div> <div>19</div> <div>20</div> <div>21</div> <div>22</div> <div>23</div> <div>24</div> <div>25Page 2</div>	<div>1And the main thing I am speaking to is the need</div> <div>2for changing the Financial Disclosure Statement to be more</div> <div>3precise regarding all income, ensuring the filer of the</div> <div>4disclosure identifies all specific income streams and their</div> <div>5sources. Also, to work to change the statute of limitations</div> <div>6to cover all the time when the person was either -- filing</div> <div>7was either running or in office, allowing your purview, when</div> <div>8necessary, to be expanded to ensure you have all the</div> <div>9information necessary to ensure the Charter is being</div> <div>10followed.</div> <div>11As an example of this statute of limitations, you</div> <div>12do have purview on Mr. Couch's filing in my complaint as his</div> <div>13last filing was approved by the Board of Ethics on March</div> <div>1413th, 2016, and is less than one year old.</div> <div>15In this disclosure, Mr. Couch did not list his</div> <div>16income from his 50 percent share of the 1025 Ulu Kanu</div> <div>17residence. My request for a subpoena for agreements between</div> <div>18Don Couch and his wife, checks paid for the Ulu Kanu</div> <div>19property and bank statements, as shown on Page 2 of my</div> <div>20addendum, speaking to this point. Mr. Couch has stated he</div> <div>21listed it under his wife's name in The Maui News article of</div> <div>2210-11-2016. This is not acceptable.</div> <div>23The Ulu Kanu house was rented, with Mr. Couch as</div> <div>24the 50 percent owner. And as such, this has to be listed</div> <div>25separately and under his income. As well, the house itself</div> <div>Page 4</div>

<p>1 did not write a check, so the name of the renter would need 2 to be listed because they are the actual source of income. 3 Also, because Mr. Couch stated the income was under his 4 wife's income, a copy of the bank statements would show they 5 were indeed used for this purpose, as shown. 6 This is totally unacceptable, and an ethics 7 violation for Mr. Couch, who has been on this Board, and his 8 wife, who is, by disclosure, an accountant, to file in this 9 manner, in this way. With all the confusion regarding the 10 purchases of the homes and deeds, if this had been reported 11 correctly, someone could have asked these questions a long 12 time ago. Because of Mr. Couch's hiding of the income, it 13 took an extraordinary effort to find the truth of the 14 matter. The statute -- if the statute of limitations had 15 been more than a year, we could look at his homes in their 16 entirety. 17 Thank you very much for your time. 18 CHAIR LEACH: Thank you. Is there any other 19 public testimony? 20 Moving on, our next agenda item, under Old 21 Business. Financial Disclosures, we have none. 22 Communication items, we have none. 23 Agenda Item 4.c., continued discussion regarding 24 changing the current Financial Disclosure form. Sara, do 25 you have --</p> <p style="text-align: right;">Page 5</p>	<p>1 even -- we haven't even got to many instructions, but that's 2 where we are. 3 And we're hoping to meet briefly after this 4 meeting to get together and plow ahead so that we have 5 something to recommend to everybody. 6 CHAIR LEACH: I am sure I speak for everyone, 7 thank you very much for all the work you're putting in. 8 MEMBER GADARIAN: Thank the committee. 9 CHAIR LEACH: Sara, the committee. Thank you. 10 Thank you, Angela, too. 11 MEMBER GADARIAN: Yes. 12 CHAIR LEACH: Okay. Next agenda item, New 13 Business. Financial Disclosures, we have none. 14 Communication Items, we have none. 15 Lobbyist Registration, we have none. 16 Announcements, we have none. 17 Our next meeting will be held November 9th, 2016, 18 in this room at 12:30 p.m. That ends our Regular Session. 19 Is there a motion to adjourn the Regular Session and move 20 into Executive Session? 21 MEMBER COURSON: So moved. 22 CHAIR LEACH: Is there a -- 23 MEMBER YABUTA: Second. 24 CHAIR LEACH: Discussion? All in favor, say 25 "aye."</p> <p style="text-align: right;">Page 7</p>
<p>1 MEMBER GADARIAN: I have a brief, I'm sorry to say 2 but not a final report yet, but I will review what the 3 committee has been doing, which is diligent work with Matt 4 Macario and Norm and Gary, and particularly Angela, to try 5 to interpret what we were -- we are asking her to do. Our 6 charge is to review the Financial Disclosure forms and try 7 to make them, hopefully, more user friendly, in conformance 8 with the law and the rules of the Board of Ethics. 9 One of the things that, unfortunately, we have 10 discovered is that the law, the ordinance and the -- and the 11 rules have somewhat made the situation more complicated. 12 For example, the ordinance, County ordinance, and the rules 13 ask for the residence address and tax map key of all 14 properties that the filer is filling out. And it's 15 difficult, this is not usually readily available for most -- 16 for most people. So we -- we are in the process of going 17 through some of these conflicts so we can report to the 18 Board. 19 At this point, after several meetings, and back 20 and forth, it wasn't until the weekend of September 25th 21 that we could -- that I could get to Angela. We went -- 22 we've done drafts back and forth. And she was very great at 23 submitting to us October the 7th, a few days ago, a second 24 working draft that we can look at. So at least we're to the 25 point of looking at what our recommended forms are. And not</p> <p style="text-align: right;">Page 6</p>	<p>1 (Response.) 2 CHAIR LEACH: Opposed? 3 (No response.) 4 CHAIR LEACH: We're now moving into Executive 5 Session. 6 MR. LESTER: Also, Mr. Chair, I will be around in 7 Executive Session in case you have any questions. 8 (Recess to Executive Session, 12:38 p.m. to 2:52 9 p.m.) 10 CHAIR LEACH: And we are now in Regular Session. 11 Is there a motion to adjourn Regular Session? 12 MEMBER KAHOOHANOANO: So moved. 13 VICE-CHAIR FRANCO: Second. Are we out of 14 Executive Session? Okay, I second. 15 MEMBER KAHOOHANOANO: Second and so moved. 16 CHAIR LEACH: Okay. 17 VICE-CHAIR FRANCO: Second and so moved. 18 CHAIR LEACH: Any discussion to adjourn? All in 19 favor, say "aye." 20 (Response.) 21 CHAIR LEACH: Opposed? 22 (No response.) 23 CHAIR LEACH: Motion adjourned. Thank you, 24 everyone. 25 (Meeting adjourned, 2:52 p.m.)</p> <p style="text-align: right;">Page 8</p>

CERTIFICATE

I, TONYA MCDADE, Certified Court Reporter of the State of Hawaii, do hereby certify that the proceedings contained herein were taken by me in machine shorthand and thereafter was reduced to print by means of computer-aided transcription; and that the foregoing represents, to the best of my ability, a true and accurate transcript of the proceedings had in the foregoing matter.

I further certify that I am not an attorney nor an employee of any of the parties hereto, nor in any way concerned with the cause.

DATED this 2nd day of November, 2016.

/s/ Tonya McDade

Tonya McDade
Certified Shorthand Reporter #447
Registered Professional Reporter
Certified Realtime Reporter
Certified Broadcast Reporter